

Agricultural Marketing Service, USDA

§ 1208.10

1208.106 Referendum report.
1208.107 Confidential information.
1208.108 OMB control number.

AUTHORITY: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

SOURCE: 75 FR 6091, Feb. 8, 2010, unless otherwise noted.

Subpart A—Processed Raspberry Promotion, Research, and Information Order

SOURCE: 77 FR 26919, May 8, 2012, unless otherwise noted.

DEFINITIONS

§ 1208.1 Act.

Act means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425), and any amendments thereto.

§ 1208.2 Conflict of interest.

Conflict of interest means a situation in which a member or employee of the Council has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Council for anything of economic value.

§ 1208.3 Crop year.

Crop year means the 12-month period from April 1 to March 31 or such other period approved by the Secretary.

§ 1208.4 Customs.

Customs means the United States Customs and Border Protection or U.S. Customs Service, an agency of the United States Department of Homeland Security.

§ 1208.5 Department.

Department means the United States Department of Agriculture or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1208.6 First handler.

First handler means any person (excluding a common or contract carrier) receiving raspberries for processing from producers in a calendar year and who as owner or agent, ships or causes

processed raspberries or raspberries for processing to be shipped as specified in the Order. This definition includes those engaged in the business of buying, selling and/or offering for sale, receiving, packing, grading, marketing, or distributing processed raspberries or raspberries for processing in commercial quantities. This definition excludes a retailer, except a retailer who purchases or acquires from, or handles on behalf of, any producer of raspberries for processing. The term first handler includes a producer who handles or markets processed raspberries of the producer's own production.

§ 1208.7 Fiscal period.

Fiscal period means a calendar year from April 1 through March 31, or such other period as approved by the Secretary.

§ 1208.8 Foreign producer.

Foreign producer means any person:

(a) Who is engaged in the production and sale of raspberries for processing outside of the United States and who owns, or shares the ownership and risk of loss of raspberries for processing for sale in the U.S. market; or

(b) Who is engaged, outside of the United States, in the business of producing, or causing to be produced, processed raspberries beyond the person's own family use and having value at first point of sale.

§ 1208.9 Handle.

Handle means to pack, process, sell, transport, purchase, or in any other way to place or cause processed raspberries or raspberries for processing to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of raspberries for processing by the producer thereof to a handler.

§ 1208.10 Importer.

Importer means any person importing 20,000 pounds or more of processed raspberries into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles processed raspberries outside of the United States for sale in the United States,

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and who is listed in the import records as the importer of record for such processed raspberries.

§ 1208.11 Information.

Information means information and programs that are designed to increase efficiency in processing and to develop new markets, marketing strategies, increase market efficiency, and activities that are designed to enhance the image of processed raspberries or raspberries for processing on a national basis. These include:

(a) *Consumer information*, which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

(b) *Food industry information*, which means any action taken to provide information to, and broaden the understanding of, the food industry regarding the consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

(c) *Industry information*, which means any action taken to provide information to or collect information from, and broaden the underestimating of, the raspberry industry regarding the production, consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

§ 1208.12 Market or marketing.

(a) *Marketing* means the sale or other disposition of processed raspberries in interstate, foreign or intrastate commerce.

(b) To *market* means to sell or otherwise dispose of processed raspberries in any channel of commerce.

§ 1208.13 National Processed Raspberry Council.

National Processed Raspberry Council or such other name as recommended by the Council and approved by the Department means the administrative body established pursuant to § 1208.40.

§ 1208.14 Order.

Order means the Processed Raspberry Promotion, Research, and Information Order.

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§ 1208.15 Part and subpart.

Part means the Processed Raspberry Promotion, Research, and Information Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order shall be a subpart of such part.

§ 1208.16 Person.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1208.17 Processed raspberries.

Processed raspberries means raspberries which have been frozen, dried, pureed, made into juice, or delivered in any other form altered by mechanical processes other than fresh.

§ 1208.18 Processor.

Processor means a person engaged in the preparation of raspberries for processing for market who owns or who shares the ownership and risk of loss of such raspberries.

§ 1208.19 Producer.

Producer means any person who grows 20,000 pounds or more of raspberries for processing in the United States for sale in commerce, and a person who is engaged in the business of producing, or causing to be produced for any market, raspberries for processing beyond the person's own family use and having value at first point of sale.

§ 1208.20 Promotion.

Promotion means any action taken to present a favorable image of processed raspberries to the general public and the food industry for the purpose of improving the competitive position of processed raspberries both in the United States and abroad and stimulating the sale of processed raspberries including paid advertising and public relations.

§ 1208.21 Qualified national organization representing importer interests.

Qualified national organization representing importer interests means an organization that the Secretary certifies